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Practitioner's Docket No.: 791-146 (CIP) **PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of: Hiroshi NEMOTO, Teruhisa KUROKAWA and Kenshin KITOH

Ser. No.: 09/870,372

Art Unit: 1746  
Examiner: Jonathan S. Crepeau

Filed: May 30, 2001

Confirmation No.: 8047

For: LITHIUM SECONDARY BATTERY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 CFR §1.132**

Sir:

I, Kenshin Kitoh, declare as follows:

1. I have read and understood the specification and claims set forth in the above-identified patent application.
2. I am a co-inventor in the above-identified application.
3. I am a co-inventor in Japanese publication number 2000-149886.
4. The two inventors in Japanese publication number 2000-149886 are myself and Teruhisa Kurokawa, who is also an inventor in the above-identified application.
5. The listing of "Masanobu Kito" in the English-language translation of Japanese publication number 2000-149886 prepared by JPO is an incorrect translation of my name.
6. Teruhisa Kurokawa and I are co-inventors of the subject matter recited in original claim 2 of the present application. That is, Teruhisa Kurokawa and I together invented employing an insulator having a surface hardness of from 30 (durometer A) to 60 (durometer D) in a lithium secondary battery as recited in claim 1 of the present application, i.e., a lithium secondary battery comprising:

a case;

an internal electrode body positioned inside the case, the internal electrode body comprising at least one positive electrode, at least one negative electrode and at least one separator interposed between the positive electrode and the negative electrode, the positive electrode and the negative electrode being electrically insulated from each other;

at least one electrolyte contained inside the case;

a first terminal electrically connected to the negative electrode;

a second terminal electrically connected to the positive electrode; and

at least one insulator positioned between the case and at least one of the first and second terminals, the insulator comprising ethylene-propylene rubber.

7. Teruhisa Kurokawa and I are co-inventors of the subject matter recited in original claim 19 of the present application. That is, Teruhisa Kurokawa and I together invented employing an insulator having a surface hardness of from 30 (durometer A) to 60 (durometer D) in a lithium secondary battery as recited in claim 11 of the present application, i.e., a lithium secondary battery comprising:

a body member;

an internal electrode body positioned inside the body member, the internal electrode body comprising at least one positive electrode, at least one negative electrode and at least one separator interposed between the positive electrode and the negative electrode, the positive electrode and the negative electrode being electrically insulated from each other;

at least one electrolyte contained inside the body member;

a first terminal electrically connected to the negative electrode;

a second terminal electrically connected to the positive electrode;

at least one end cap; and

at least one insulator positioned between the body member and the at least one end cap, the insulator comprising ethylene-propylene rubber.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: June 27, 2003

Kenshin Kitoh  
Kenshin Kitoh